

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-13 are pending in this case. No new matter is added.

The outstanding Official Action rejected Claims 1, 3-6, 8, and 9 under 35 U.S.C. §103(a) as unpatentable over Matsuda et al. (U.S. Patent No. 6,292,198, herein “Matsuda”) in view of Woods et al. (U.S. Patent No. 6,510,417, herein “Woods”). Claims 2 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Matsuda in view of Woods and further in view of Roseborough et al. (U.S. Patent No. 6,141,019, herein “Roseborough”). Claims 10, 12, and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Matsuda in view of Woods and further in view of Griffiths et al. (U.S. Patent No. 6,286,045, herein “Griffiths”).

Applicant gratefully acknowledges the indication that Claim 11 includes patentable subject matter.

Claims 1, 3-6, 8, and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Matsuda in view of Woods. Applicant notes that Matsuda qualifies as prior art under 35 U.S.C. §102(e) as the present application filing date predates the issue date of Matsuda. To the extent the rejections above apply to the present claims, Applicant respectfully traverses the rejections.

As Matsuda is 102(e) art, the obviousness rejection is deficient under 35 U.S.C. §103(c) as explained below.

Applicant submits that the present application and the Matsuda reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to Sony

Corporation. Accordingly, application of the Matsuda reference in this obviousness rejection is improper.¹

As all the rejections of record rely on Matsuda, Applicant respectfully submits these rejections are traversed as Matsuda may not be applied as a basis for supporting a prima facie case of obviousness as outlined by 35 U.S.C. §103(c).

Since Applicant has not amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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¹ Applicant notes that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. §103(c) for excluding 102(e) art.